

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK**

**CIVIL CONFERENCE  
MINUTE ORDER**

BEFORE: A. KATHLEEN TOMLINSON  
U.S. MAGISTRATE JUDGE

DATE: 11-7-2013  
TIME: 4:54 p.m. (10 minutes)

*Diallo, et al. v. Trotta, et al.,*  
**CV 12-4524 (LDW) (AKT)**

TYPE OF CONFERENCE: **PRE-TRIAL CONFERENCE**

APPEARANCES: Plaintiff Benjamin Heinrich (via telephone)  
Defendant Brian Mitchell

FTR: 4:54-5:04

**SCHEDULING:**

The Final Pre-Trial Conference will be held on February 11, 2014 at 10:00 a.m.

**THE FOLLOWING RULINGS WERE MADE:**

1. When this case was called on the calendar today, plaintiffs' counsel did not appear. Defendants' counsel was present in the courtroom. My staff reached out to the office of plaintiffs' counsel to determine why Attorney Heinrich was not in attendance. Eventually, Mr. Heinrich's office was able to locate him and had him contact Chambers. I noted that this is the second time that Mr. Heinrich has failed to appear for a scheduled court conference in this case.
2. The Court was very surprised to learn that discovery in this case has not been completed. The discovery deadline was September 3, 2013 and neither counsel requested an extension of that deadline prior to its expiration. I was advised today that no depositions have been taken to date. I reminded counsel, once again, that this case is assigned to Judge Wexler and that the discovery deadlines are not extended except in exceptional circumstances. This case does not fall into that category. After further discussion, the Court put in place a final scheduling order which is set forth below. The parties are on notice that these dates will not be further extended.

**FINAL SCHEDULING ORDER:**

- All fact depositions/fact discovery must be completed by: December 31, 2013
- Any letter request for a pre-motion conference to Judge Wexler for purposes of making a summary judgment motion must be filed by: January 8, 2014
- Proposed Joint Pre-Trial Order must be filed on ECF by: February 3, 2014
- Pre-Trial Conference will be held on: February 11, 2014  
at 10 a.m.

SO ORDERED

/s/ A. Kathleen Tomlinson  
A. KATHLEEN TOMLINSON  
U.S. Magistrate Judge